

United States District
Court of Oregon Portland Division

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William David Kern

Plaintiff

-V-

Multnomah County, Sheriff

Nicole Morrissey O'Donnell, Medical

Director MCDL Dr. Lawson Eleazer

3:24-cv-1547 YY

Memorandum of
Law in support of
TRO and Preliminary
Injunction

"An inmate has a 'Undoubted right to Medical Care guaranteed by the Eighth Amendment of the United States Constitution'"

"An Inmate must rely on prison authorities to treat his medical needs; If Authorities Fail to do so, those needs will not be met."
-Estelle v. Gamble 429 U.S. 97, 103 (1976)-

To Succeed in an Eighth Amendment challenge to medical care in your Prison, you must show 3 things, these are:
1.) you had a serious medical need. 2.) Prison officials showed deliberate indifference to that need. 3.) This Deliberate indifference Caused you injury. See Estelle 97

A) Courts describe a serious medical need as "One that has been diagnosed by a Physician as mandating treatment."
- Hill v. DeKalb Reg'l Youth Det. Ctr. 40 F3d 1176, 1187 (1994)

B) Deliberate Indifference is when Prison Officials ignore an obvious and serious Danger.
- Farmer v. Brennan 511 US 825, 835 (1994) -

C) Causation, "Failure to treat prisoners condition could result in Further significant injury or the Unnecissary and Wanton Infliction of Pain." See Estelle @ 97, 104

Conclusion.

Considering information in complaint, the courts should Find that plaintiff did indeed have a serious medical need. The defendants did act with deliberate indifference to that Serious medical need causing Unnecissary and wanton infliction of pain to plaintiff. Constituting a violation of Plaintiffs Eighth amendment right to medical care in prison of the United States Constitution.